

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRENDAN JAMES NASBY,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendants

Case No. 3:20-cv-00231-RFB-CSD

ORDER

I. INTRODUCTION

Before the Court for consideration is Plaintiff Brendan James Nasby's Emergency MOTION for Injunctive Relief (ECF No. 23) and MOTION for Temporary Restraining Order (ECF No. 24), and the Report and Recommendation (ECF No. 34) of the Honorable Judge Craig S. Denney, United States Magistrate Judge. The Report and Recommendation recommends denying Plaintiff's motions for injunctive relief.

For the reasons stated below, the Court denies Plaintiff's motions without prejudice and rejects Judge Denney's Report and Recommendation as moot.

II. DISCUSSION

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3–2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local

1 Rule IB 3–2(b).

2 In this case, Plaintiff filed an objection to Judge Denney's Report and Recommendation
3 (ECF No. 34) on July 14, 2022. ECF Nos. 35, 36. The next month, however, Plaintiff also filed a
4 Motion for Leave to File an Amended Complaint. ECF No. 37. Judge Denney granted the Motion,
5 ECF No. 41, and the amended complaint was docketed, see ECF No. 56.

6 An amended pleading supersedes the original pleading. Hal Roach Studios v. Richard
7 Feiner & Co., 896 F.2d 1542, 1546 (9th Cir.1990). Accordingly, the Court lacks jurisdiction to
8 grant the injunctive relief requested by Plaintiff's motions for injunctive relief, because those
9 injunctive relief motions were based on the original complaint which is no longer operative in this
10 action. As such, the Magistrate Judge's Report and Recommendation is moot, and is rejected as
11 such.

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13 **III. CONCLUSION**

14 **IT IS THEREFORE ORDERED** that Plaintiff Brendan James Nasby's Emergency
15 Motion for Injunctive Relief (ECF No. 23) and Motion for Temporary Restraining Order (ECF
16 No. 24) are DENIED without prejudice.

17 **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 34) is
18 REJECTED as moot.

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20 **DATED:** January 19, 2023

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22 **RICHARD F. BOULWARE, II**
23 **UNITED STATES DISTRICT JUDGE**

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